

REMARKS

Claims 1-56 are pending in this application.

Applicants have amended claims 1-4, 6, 8-11, 13, 15-20, 23, 25, 28, 30-34, and 36-56.

The changes to these claims do not introduce any new matter.

Applicants respectfully request reconsideration of the rejection of claims 1, 4-8, 11-18, 21, 23, 27-30, 33-38, 43-45, and 51-56 under 35 U.S.C. § 102(e) as being anticipated by *Kuno et al.* ("*Kuno*") (U.S. Patent No. US 6,538,242 B1). As will be explained in more detail below, the *Kuno* reference does not disclose each and every feature specified in the claims, as amended herein.

The *Kuno* reference describes a technique for color matching that uses the ICC profile. As Applicants have argued repeatedly during the prosecution of the subject application, the claimed "color space information" designates color space conversion from an input color space to an output color space, which conversion is carried out by an output device, e.g., an image processing apparatus. The ICC profile does not designate a color conversion sequence from an input color space to an output color space, as will be explained in more detail below.

As used in the *Kuno* reference, the ICC profile is information that designates either of two conversions, namely, the input color space – device-independent color space conversion or the device-independent color space – input color space conversion. On the other hand, the claimed "color space information" is designed to integrally designate color space conversion from an input color space to an output color space. More particularly, the claimed "color space information" is the information that allows an input device to designate an output color space, and *such a designation is not prescribed by the ICC profile.*

The *Kuno* reference discloses the concept of using an image pick-up device (an input device) to add its spectral responsivity characteristics to image data. The *Kuno* reference, however, fails to disclose (or suggest) the concept of using the image pick-up device to

associate information regarding the image output characteristics of an output device with image data.

To further distinguish the claimed subject matter from the use of the ICC profile shown in the *Kuno* reference, Applicants have amended the claims to change the phrase “color space information” to generally recite “information that designates color space information to be used by an image output apparatus, and that reflects image output characteristics of said image output apparatus.” For example, Applicants have amended independent claim 1 to specify that the image data generating apparatus includes “means for generating information that designates color space information to be used by an image output apparatus, and that reflects image output characteristics of said image output apparatus, said color space information designating color space conversion of said image data from an input color space to an output color space by said image output apparatus.” Thus, in the configuration of the claimed subject matter, the image data includes information that designates the color space conversion to be carried out by the image output apparatus.

For the reasons set forth above, the *Kuno* reference does not disclose a configuration in which the image data includes information that designates, as color space information, an output color space to be used by an image output apparatus in color space conversion. As such, the *Kuno* reference does not disclose each and every feature of claim 1, as amended herein.

Applicants have amended each of independent claims 6, 8, 13, 15, 17, 28, 30, 34, 36, 38, 43, 45, and 52-56 to include subject matter corresponding to that added herein to claim 1. As such, the *Kuno* reference does not disclose each and every feature of claims 6, 8, 13, 15, 17, 28, 30, 34, 36, 38, 43, 45, and 52-56, as amended herein, for at least the same reasons set forth above regarding claim 1. Further, with regard to independent claim 6, the ICC profile as used in the *Kuno* reference does not enable an image generating apparatus to designate an

output color space to be used by an image output apparatus. This comment also applies to independent claims 28, 34, 53, and 56.

Accordingly, for at least the foregoing reasons, independent claims 1, 6, 8, 13, 15, 17, 28, 30, 34, 36, 38, 43, 45, and 52-56, as amended herein, are patentable under 35 U.S.C. § 102(e) over *Kuno*. The dependent claims are likewise patentable under 35 U.S.C. § 102(e) over *Kuno* for at least the same reasons set forth above regarding the applicable independent claim.

Applicants respectfully request reconsideration of the rejection of claims 2, 3, 9, 10, 19, 20, 31, and 32 under 35 U.S.C. § 103(a) as being unpatentable over *Kuno* in view of *Nakajima* (U.S. Patent No. US 6,650,437 B1). Each of claims 2, 3, 9, 10, 19, 20, 31, and 32 depends from one of independent claims 1, 8, 17, and 30. The deficiencies of the *Kuno* reference relative to the claimed subject matter specified in independent claims 1, 8, 17, and 30, as amended herein, are set forth above in connection with the anticipation rejection. The *Nakajima* reference does not cure the above-discussed deficiencies of the *Kuno* reference relative to the claimed subject matter. Accordingly, claims 2, 3, 9, 10, 19, 20, 31, and 32 are patentable under 35 U.S.C. § 103(a) over the combination of *Kuno* in view of *Nakajima* for at least the same reasons set forth above regarding claims 1, 8, 17, and 30.

Further, with regard to claim 2, in the case of color matching with the ICC profile, color space information is not designated depending upon an output device. With regard to claim 3, in the case of the ICC profile, color space information is not selected in association with an image output apparatus.

Applicants respectfully request reconsideration of the rejection of claims 39 and 46 under 35 U.S.C. § 103(a) as being unpatentable over *Kuno* in view of *Anabuki et al.* (“*Anabuki*”) (U.S. Patent No. US 6,441,913 B1). Claim 39 depends from claim 38 and claim 46 depends from claim 45. The deficiencies of the *Kuno* reference relative to the claimed

subject matter specified in independent claims 38 and 45, as amended herein, are set forth above in connection with the anticipation rejection. The *Anabuki* reference does not cure the above-discussed deficiencies of the *Kuno* reference relative to the claimed subject matter. Accordingly, claims 39 and 46 are patentable under 35 U.S.C. § 103(a) over the combination of *Kuno* in view of *Anabuki* for at least the same reasons set forth above regarding claims 38 and 45, respectively.


Applicants respectfully request reconsideration of the rejection of claims 22, 26, 40-42, and 47-50 under 35 U.S.C. § 103(a) as being unpatentable over *Kuno* in view of *Buhr et al.* (U.S. Patent No. 5,528,339). Each of dependent claims 22, 26, 40-42, and 47-50 ultimately depends from one of independent claims 17, 38, and 45. The deficiencies of the *Kuno* reference relative to the claimed subject matter specified in independent claims 17, 38, and 45, as amended herein, are set forth above in connection with the anticipation rejection. The *Buhr et al.* reference does not cure the above-discussed deficiencies of the *Kuno* reference relative to the claimed subject matter. Accordingly, claims 22, 26, 40-42, and 47-50 are patentable under 35 U.S.C. § 103(a) over the combination of *Kuno* in view of *Buhr et al.* for at least the same reasons set forth above regarding claims 17, 38, and 45.

Applicants respectfully request reconsideration of the rejection of claims 16, 24, and 25 under 35 U.S.C. § 103(a) as being unpatentable over *Kuno* in view of *Parulski et al.* (U.S. Patent No. US 6,310,647 B1). Each of dependent claims 16, 24, and 25 ultimately depends from one of independent claims 15 and 17. The deficiencies of the *Kuno* reference relative to the claimed subject matter specified in independent claims 15 and 17, as amended herein, are set forth above in connection with the anticipation rejection. The *Parulski et al.* reference does not cure the above-discussed deficiencies of the *Kuno* reference relative to the claimed subject matter. Accordingly, claims 16, 24, and 25 are patentable under 35 U.S.C. § 103(a)

over the combination of *Kuno* in view of *Parulski et al.* for at least the same reasons set forth above regarding claims 15 and 17.

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1-56, as amended herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6902. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP006).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, L.L.P.

A handwritten signature in black ink, appearing to read 'P. B. Martine', with a long horizontal flourish extending to the right.

Peter B. Martine
Reg. No. 32,043

710 Lakeway Drive, Suite 200
Sunnyvale, California 94085
Customer Number 25920